

EXHIBIT 1

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16 *Aim High Investment Group, LLC*

17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20
21 AIM HIGH INVESTMENT GROUP, LLC,) Case: 8:22-mc-00011-DOC-ADS
22 Plaintiff/Counter-Defendant,)
23 v.)
24 SPECTRUM LABORATORIES, LLC,)
25 Defendant/Counterclaimant.)
26
27

28 **DECLARATION OF RYAN GILE,
ESQ. IN SUPPORT OF
PLAINTIFF'S OBJECTION TO
ORDER DENYING MOTION TO
COMPEL RESPONSES TO
SUBPOENAS DUCES TECUM
(ECF NO. 20)**

29 I, Ryan Gile, Esq., declare as follows:

30 1. I am a counsel for Plaintiff, Aim High Investment Group, LLC. I have
31 been licensed in the state of California since 1997. I am competent to provide the
32 testimony herein. I have personal knowledge of the matters set forth in this
33 Declaration. I make this declaration in support of Plaintiff's Objection ("Objection")
34 to the Order Denying Motion to Compel Responses to Subpoenas Duces Tecum.

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36 DECLARATION OF RYAN GILE, ESQ. IN SUPPORT OF PLAINTIFF'S OBJECTION TO ORDER DENYING
37 MOTION TO COMPEL RESPONSES TO SUBPOENA

1 2. On January 28, 2022, Aim High filed a Complaint in the United States
 2 District Court for the District of Nevada (*Aim High Investment Group, LLC v.*
 3 *Spectrum Laboratories, LLC*, Case No. 2:22-cv-00158-GMN-DJA) (the “Nevada
 4 Action”), seeking, *inter alia*, a declaratory judgment of non-infringement as it
 5 relates to Aim High’s *XStream* product and the Patents-in-Suit. On March 14, 2022,
 6 Spectrum Labs filed its Answer to Aim High’s Complaint along with counterclaims
 7 for patent infringement (“Counterclaim”). A true and correct copy of the
 8 Counterclaim is attached to the Objection as **Exhibit 2**.
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 11 3. On May 13, 2022, Spectrum Labs served its initial disclosures in the
 12 Nevada Action and expressly identified the Element report as one of the documents
 13 “that it presently believes in good faith that it may use to support its claims or
 14 defenses.” A true and correct copy of Spectrums Labs’ initial disclosures is attached
 15 to the Objection as **Exhibit 3**.
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 18 4. On May 16, 2022, Aim High served a subpoena duces tecum on
 19 Element seeking all documents and communications regarding their testing of Aim
 20 High’s *XStream* product. A true and correct copy of the subpoena is attached to the
 21 Objection as **Exhibit 4**. On May 27, 2022, Element served an objection letter by
 22 and through its counsel that also represents Spectrum Labs in the Nevada Action. A
 23 true and correct copy of the objection letter is attached to the Objection as **Exhibit**
 24 **5**. Element’s position is that the requests relate to a non-testifying, consulting expert
 25 and are protected from discovery under Fed. R. Civ. P. 26(b)(4).
 26

5. On May 31, 2022, I responded to Element’s objections and requested that the parties meet and confer to discuss the discovery dispute. A true and correct copy of the response letter is attached to the Objection as **Exhibit 6**. On Friday, June 10, 2022, the parties, through counsel, conducted a meet and confer teleconference to discuss Aim High’s subpoena and Element’s objections. Despite a good faith effort, the parties could not come to a resolution regarding the production of the subpoenaed information, and thus necessitating this Court’s intervention and the filing of the original Motion to Compel.

6. On July 20, 2022, Aim High filed its motion to compel responses to its subpoena. On October 20, 2022, the Court issued its Order denying Aim High's motion to compel resulting in the filing of this Objection.

7. On Spectrum Labs' own website (<https://urineluck.com/x-stream-and-quick-fix-lawsuit>) as well as unsolicited communications mailed to third-party wholesale purchasers of these laboratory made urine products, Spectrum Labs has publicized how "two different laboratories have confirmed the presence of at least one of the biocides covered by Spectrum's patents. True and correct copies of Spectrum Labs' website and the mailed communications are attached to the Objection as **Exhibit 8**. The foregoing is true and correct under penalty of perjury pursuant to the laws of the United States of America.

Date: November 3, 2022

/s/ Ryan Gile

Ryan Gile, Esq.